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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,192	10/11/2000	Anders Johnson	108339-00031	5268

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EXAMINER

HA, LEYNNA A

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,192

Applicant(s)

JOHNSON, ANDERS

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-29 have been re-examined and are remains rejected under 35 U.S.C. 102(e).
2. This is a FINAL rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by t he AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Tello (US 6,463,537).**

As per claim 1:

Tello discloses an apparatus for enabling functionality of a component, wherein comprises an identification module for storing an identification number therein (COL.15, lines 44-45), a hash function module in communication with the identification module (COL.16, lines 30-33), a host in communication with the identification module (COL.9, lines 21-31), a guess register in communication with the host, an encryption module in communication with the guess register (COL.24, lines 46-50), a public key module in communication with the encryption module for storing a public key therein (COL.15, lines 6-9), and a comparator in communication with the encryption module and the hash function module (COL.16, lines 40-55) wherein the comparator compares a first bit string to a second bit string (col.15, lines 52-65 and col.16, lines 13-26) to generate a function enable output for the component (col.19, lines 12-25 and col.37, lines 27-42).

As per claim 2: See col.14, lines 62-63 and col.24, lines 46-52; discussing identification module comprises an onboard nonvolatile register.

As per claim 3: See col.7, lines 64-66 discussing one way hash function.

As per claim 4: See col.23, lines 55-61 and col.24, lines 19-50; discussing the encryption module further comprises a public key encryption module wherein is configured to receive the public key and guess passcode as inputs and generates a ciphertext bit string as an output (col.19, lines 12-25 and col.37, lines 27-42).

As per claim 5: See col.9, line 33 – col.12, line 47; discussing selecting at least one of the function enable output and a bonding option output. (col.19, lines 12-25 and col.37, lines 27-42)

As per claim 6: See col.13, lines 1-56 discussing an OR gate having at least one input for receiving the function enable output and the bonding option output (col.19, lines 12-25 and col.37, lines 27-42).

As per claim 7:

Tello discusses the bonding option circuit comprising a pull resistor in communication with the OR gate and a power supply and a switch in communication with a ground potential and the OR gate (COL.6, line 60 – COL.7, line 3).

As per claim 8:

Tello includes a multiplexer having at least one multiplexer input in communication with the comparator and a multiplexer output, a selection circuit in communication with at least one multiplexer input (COL.13, lines 5-49), and a bonding option circuit in communication with the multiplexer input wherein the multiplexer is configured to receive a selection input from the selection circuit that is used to determine whether to enable functionality (COL.9, lines 33-49 and COL.12, lines 35-45) of said component in accordance with the bonding option output or the function enable output 9col.19, lines 12-25 and col.37, lines 27-42).

As per claim 9:

Tello discusses at least a first non-volatile memory location having at least one first selection bit stored therein and at least second non-volatile memory location having at least one second selection bit stored therein (COL.15, lines 1-35). Further, Tello includes an OR gate having a first input, a second inverted input, and a logic output with the first input being in communication with at least one first non-volatile memory location and the second inverted input being in communication with at least one second non-volatile memory location (col.19, lines 12-25 and col.37, lines 27-42) wherein the selection circuit is configured to generate a selection indicator on the logic output of the OR gate in accordance with the first selection bit and the second selection bit (COL.13, lines 6-58).

As per claim 10: See col.15, lines 52-65; col.16, lines 13-26 and col.20, lines 1-23; discussing the ciphertext bit string.

As per claim 11: See col.16, lines 30-32 discussing the hash value generated by the hash function module.

As per claim 12: See col.11, lines 50-52 discussing the network switch and a media access controller.

As per claim 13:

Tello discloses a component for selectively enabling functionality of an electronic device comprising a means for generating an encrypted bit string (COL.15, lines 7-11), a hash function module in communication with the

identification module (COL.15, lines 21-23) and a means for acquiring a guess passcode (COL.9, lines 20-24). Tello includes a hash function in communication with an on board memory having a predefined identification number stored therein (COL.9, lines 26-30) and means for determining if the encrypted bit string matches the guess passcode (COL.16, lines 40-55 and COL.24, lines 47-52) and means for outputting a functionality enable signal (col.19, lines 12-25 and col.37, lines 27-42).

As per claim 14: See col.20, lines 1-23 discussing the a public key encryption module is in communication with the public key module having a public key stored therein and a guess register in communication (col.19, lines 12-25 and col.37, lines 27-42) with the public key encryption module wherein receives the guess passcode from the guess register and the public key from the public key module in order to generate a ciphertext bit string (COL.37, line 26 – COL.38, line 7).

As per claim 15:

Tello discloses a host in communication with means for generating an encrypted bit string (COL.15, lines 7-11), an identification module in communication with the host (COL.9, lines 20-24) wherein the host is configured to communicate (col.19, lines 12-25 and col.37, lines 27-42) with a manufacturer of the component to request the guess passcode corresponding to an identification number stored in the identification module (COL.38, lines 11-48).

As per claim 16:

Tello includes an onboard nonvolatile register having an identification number stored therein (col.14, lines 62-63 and col.24, lines 46-52) and a one-way hash function module that receives an identification number from the on board memory and generates a corresponding hash value (col.16, lines 30-33).

As per claim 17: See col.24, lines 48-52 discussing a comparator.

As per claim 18:

Tello includes the bonding option circuit (COL.9, line 33 – COL.12, line 47) and an OR gate that receives an input from the bonding option circuit and means for determining and generating the enable signal (col.13, lines 1-56).

As per claim 19: See col.11, lines 50-52 discussing the network switch and a media access controller.

As per claim 20:

Tello discloses the steps of encrypting a first bit string and a second bit string to generate a third bit string (COL.37, line 26 – COL.38, line 7), calculating the fourth bit string (COL.16, lines 30-33), comparing the fourth bit string to the third bit string, and generating the function enable signal in accordance with the comparison (col.15, lines 52-65 and col.16, lines 13-26).

As per claim 21: See col.20, lines 1-23 discusses receiving the public key and a guess passcode in an encryption module wherein encrypting the public key and the passcode to generate a ciphertext bit string (COL.37, line 26 – COL.38, line 7).

As per claim 22: See col.16, lines 30-32 discussing generating a hash value corresponding to the hash function module.

As per claim 23:

Tello discusses the fourth bit string representing the hash value (COL.16, lines 30-33) and the third bit string representing the ciphertext bit string (COL.37, line 26 – COL.38, line 7) and comparing the fourth bit string to the third bit string (col.15, lines 52-65 and col.16, lines 13-26).

As per claim 24: See col.39, line 6-14 discussing the function enable output and a bonding option output. (col.19, lines 12-25 and col.37, lines 27-42)

As per claim 25:

Tello includes transmitting the bonding option output to an OR gate as a first input, transmitting the function enable signal to the OR gate as the second input and generating the final enable output from the OR gate in accordance with the first and second inputs (COL.13, lines 6-58).

As per claim 26: See 25, lines 38-43 col.38, lines 25-34 discussing the guess passcode.

As per claim 27: See col.9, lines 21-31 and col.24, lines 15-23; discusses requesting the passcode from the manufacturer, calculate the passcode with the predetermined algorithm and transmitting the passcode to an on board host.

As per claim 28: See col.20, lines 13-15 discussing the different types of connections.

As per claim 29: See col.11, lines 50-52 discussing the network switch and a media access controller.

*****For more details on the rejected claims above, please see Gupta, et al. on col.6, line 15 - Et. SEQ.**

Response to Arguments

2. Applicant's arguments filed June 9, 2004 have been fully considered but they are not persuasive.

The Examiner have re-examined the claimed invention and gives the broadest reasonable interpretation to what is claimed.

Applicant argues that Tello fails to disclose a host wherein the functions of the host is to determine the identification number associated with the component/network switch through the communication with the non-volatile memory via the interface. However, claim 1 only claims "a host in communication with the identification module" and the guess register. Whatever Applicant argues the definition may be for a host, Applicant's host is broad and was not claimed in more details. Hence, the Examiner interprets to the broadest reasonable definition wherein a "host" is known in the art could be a main computer in a mainframe or the computer to which terminals are connected or a computer that provides access to other computers. Tello discloses a host is the computer with the security engine that gives access to other computer systems (col.14, lines 46-61 and col.17, lines 15-67). The bit

strings are disclosed (col.15, lines 52-65 and col.16, lines 13-26). Tello discloses a "function enable output" by discussing a slave computer or subordinate computer that includes hashing and only the one identification code identifying the slave card and the ability to communicate with other computers (col.19, lines 12-25 and col.37, lines 27-42). The claimed language merely reads on acquiring a passcode where it does not read what Applicant argues as a passcode transmitted by the manufacturer and same goes for the argument concerning the hash numbers. The Examiner is only required to read what is claimed in claims 1-29 and gives the claim language the broadest reasonable interpretation.

Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

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no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

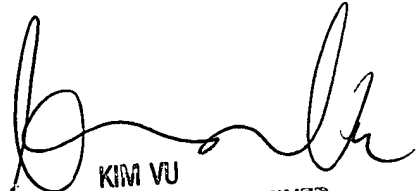
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (703) 305-3853. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*****TC 2100 will be moved to Carlyle in October 2004. At this time, any inquiry or communications should be directed to the examiner, LEYNNA HA, whose new telephone number is (571) 272-3851 and the new telephone number for TC 2100 receptionist is 571-272-2100.**

LHa


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100